

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Terminal Alley, LLC,	
t/a Terminal Alley	Fact Finding
3701 Benning Road NE	Hearing
License No. 93983	(Status)
Retailer CT	
ANC 7 F	
Review License Application	

Wednesday  
February 5, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MICHAEL SILVERSTEIN, Member  
JAMES SHORT, Member  
HERMAN JONES, Member

ALSO PRESENT:

Paul L. Pascal, Attorney for Applicant

P-R-O-C-E-E-D-I-N-G-S

(11:38 a.m.)

CHAIRPERSON MILLER: Okay, we have one other fact finding hearing for this morning. It involves Terminal Alley and that's located at 3701 Benning Road, N.E., License Number 93983 in ANC 7F. When you're ready, would you introduce yourself for the record, please.

MR. PASCAL: Good morning, Paul L. Pascal of Pascal & Weiss, for the Applicant. And I want to welcome Mr. Short here. I could see Mr. Rodriguez left and look forward to appearing before you many times.

CHAIRPERSON MILLER: You bet.

MR. PASCAL: Thank you.

MR. CLEMMONS: Ted Clemmons, Terminal Alley, LLC.

CHAIRPERSON MILLER: Okay. So this is a fact finding hearing. In essence, the Board received your application and we have some questions with respect to the

1 sharing of space within the building with, I  
2 believe, DC Eagle, who also submitted a  
3 transfer application. I believe that their  
4 application shows an address of 3701 Benning  
5 Road NE and then another address of 3701-and-  
6 a-half Benning Road NE. So I think that some  
7 Board Members will have very specific  
8 questions, but in general, the concern is  
9 about the sharing of space. There are  
10 different entrances that are identified, so we  
11 want to understand how it will work that  
12 they'll be in their own separate spaces?  
13 Okay.

14 MR. PASCAL: Certainly. Well, we  
15 filed at the same time the application for DC  
16 Eagle, which was a longstanding operation in  
17 the block of New York Avenue, which lost its  
18 lease because of redevelopment. They found  
19 this building, which is in Ward 7, probably be  
20 one of the first major developments of a food  
21 service operation in Ward 7 in a long time.  
22 And it would appear to me in the drawing that

1 we attached to the application that there's a  
2 clear delineation that there's no entrance  
3 from DC Eagle to Terminal, they are completely  
4 separate walled-off areas. The only area that  
5 I think may have concerned the examiner is  
6 that there's an emergency exit required by the  
7 fire department at the back end of DC Eagle,  
8 but that emergency exit actually goes outdoors  
9 onto what was a loading dock, what is a  
10 loading dock and then people exit down some  
11 steps. So there is a clear delineation of  
12 space between the two, no way to access one  
13 from the other. As a matter of fact, the  
14 entrance to DC Eagle is down the way from the  
15 cigar bar, Terminal, so that there's a clear  
16 distinction of where you're at. The entrance  
17 to DC Eagle on this map that I've given you,  
18 this Platt, is where the word, electric, is,  
19 that's where the entrance to DC Eagle is. The  
20 entrance to Terminal will be a ramp that goes  
21 onto the loading dock and then you go in the  
22 door where it says, roll down, that will be

1 the door to the inside. We've asked for a  
2 summer garden on the loading dock. Again,  
3 completely separate units in a large building.

4 CHAIRPERSON MILLER: Okay. Any  
5 Board questions? Yes, Mr. Alberti.

6 MEMBER ALBERTI: Hi, Mr. Pascal.

7 MR. PASCAL: Good morning. How are  
8 you?

9 MEMBER ALBERTI: I'm a little  
10 slow. So I've got to make you go over things  
11 in a lot of detail, so I can be comfortable.

12 MR. PASCAL: Okay. First time  
13 you've ever admitted being slow.

14 MEMBER ALBERTI: Probably not the  
15 first time you've recognized it, but anyway.  
16 So I see second floor here, are one of these  
17 places on the second floor of this  
18 establishment?

19 MR. PASCAL: This is a large  
20 building.

21 MEMBER ALBERTI: Okay.

22 MR. PASCAL: And actually, the

1 first floor will be a restaurant, community  
2 style service to the neighborhood as a  
3 restaurant.

4 MEMBER ALBERTI: And that's run by  
5 who?

6 MR. PASCAL: DC Eagle.

7 MEMBER ALBERTI: DC Eagle, all  
8 right.

9 MR. PASCAL: Right.

10 MEMBER ALBERTI: And that's on the  
11 first floor.

12 MR. PASCAL: It's on the first.  
13 The second floor, and if you were to look at  
14 the lot, the lot goes down. And many years  
15 ago, I used to remember that this area used to  
16 flood all the time, because it was in a flood  
17 plain, so there's a slope down.

18 So you have the first floor. And  
19 then, actually, you then go off a few steps,  
20 you go into what will be DC Eagle, which will  
21 be the second floor, and then Terminal is also  
22 on the second floor also.

1                   MEMBER ALBERTI: Okay, so let's  
2 stop. So DC Eagle really has two floors?

3                   MR. PASCAL: It'll actually have  
4 three floors plus a rooftop.

5                   MEMBER ALBERTI: Three floors, so  
6 you talk about two, so where's the third  
7 floor?

8                   MR. PASCAL: Upstairs. There will  
9 be an elevator or steps to go to the third  
10 floor.

11                  MEMBER ALBERTI: Okay.

12                  MR. PASCAL: And then there's a  
13 rooftop.

14                  MEMBER ALBERTI: Then there's a  
15 rooftop, okay. So now, Terminal is on the  
16 second floor?

17                  MR. PASCAL: Second floor.

18                  MEMBER ALBERTI: Separated by a  
19 wall, I mean, there's no --

20                  MR. PASCAL: Totally separated,  
21 that's correct.

22                  MEMBER ALBERTI: There's no

1 entrances between the two, okay.

2 MR. PASCAL: There's no way anyone  
3 can get in there.

4 MEMBER ALBERTI: And so does  
5 Terminal have anything to do with any access  
6 to the third floor or --

7 MR. PASCAL: No.

8 MEMBER ALBERTI: -- the rooftop?

9 MR. PASCAL: No.

10 MEMBER ALBERTI: Okay. So there's  
11 no stairways going to the second floor or to  
12 the rooftop from Terminal?

13 MR. PASCAL: That's correct. The  
14 only thing that, I think, concerned the  
15 examiner is on the map that we originally, of  
16 a Platt we supplied is that there's an  
17 emergency exit on the backside of DC Eagle.

18 MEMBER ALBERTI: Well, I'm looking  
19 at this and I don't see an emergency exit.

20 MR. PASCAL: Well it's where --

21 MEMBER ALBERTI: I see a ramp  
22 there.



1                   MR. PASCAL: That's where the --  
2                   is that where the, yes.

3                   MR. CLEMMONS: That would be right  
4                   here.

5                   MEMBER ALBERTI: Yes.

6                   MR. PASCAL: It's just right at  
7                   that ramp, at the top of that ramp.

8                   MEMBER ALBERTI: How is that  
9                   connected with Terminal?

10                  MR. PASCAL: Not at all, it's just  
11                  adjacent to it.

12                  MEMBER ALBERTI: Okay, so Terminal  
13                  Alley has one entrance here, I see, where it  
14                  says 307-and-a-half, it has one entrance,  
15                  which I'll call the front of the building,  
16                  right?

17                  MR. PASCAL: Correct.

18                  MEMBER ALBERTI: That's the main  
19                  entrance, right?

20                  MR. PASCAL: Correct.

21                  MEMBER ALBERTI: Do they have an  
22                  emergency exit?

1 MR. CLEMMONS: For, pardon me?

2 MR. PASCAL: Terminal.

3 MEMBER ALBERTI: Terminal.

4 MR. CLEMMONS: The other roll down  
5 door off to the right, that'll be up most of  
6 the time during the summer.

7 MEMBER ALBERTI: The other roll  
8 down door --

9 MR. CLEMMONS: The occupancy is  
10 only --

11 MEMBER ALBERTI: -- off to the  
12 right, where, I don't see that.

13 MR. PASCAL: If you look straight  
14 ahead you'll see where it says roll down, and  
15 then there's a black space in the middle and  
16 then to the right of it, that's another roll  
17 down.

18 MEMBER ALBERTI: Wait, wait, wait,  
19 wait, wait. I'm, okay, I'm not --

20 CHAIRPERSON MILLER: Is that the  
21 roll down.

22 MEMBER ALBERTI: I'm not seeing

1     that, but let's just for this little second,  
2     what am I looking at here, this is all  
3     Terminal?

4                 MR. PASCAL:   No.

5                 MR. CLEMMONS:  No.

6                 MR. PASCAL:   Terminal is on the  
7     right side, where it says cigar bar.

8                 CHAIRPERSON MILLER:  Oh.

9                 MEMBER ALBERTI:  Oh, that's all  
10    that --

11                MR. PASCAL:   That's Terminal,  
12    that's correct.

13                MEMBER ALBERTI:  And nothing else?

14                MR. PASCAL:   That's all.  Well, to  
15    the left of that is DC Eagle.

16                MEMBER ALBERTI:  Left of that is  
17    DC Eagle.

18                MR. PASCAL:   If you go, start at  
19    the word loading dock on the bottom right and  
20    then those two lines that go --

21                MEMBER ALBERTI:  Okay, so that's -  
22    -

1                   MR. PASCAL:  -- straight up from  
2                   that, that's Terminal Bars.

3                   MEMBER ALBERTI:  Okay, so that's  
4                   Terminal, that's the loading dock where they  
5                   want to have a summer garden?

6                   MR. PASCAL:  Summer garden,  
7                   correct.

8                   MEMBER ALBERTI:  Okay.  All right.  
9                   So then, the roll down doors will be your  
10                  emergency exits, so to speak?

11                  MR. PASCAL:  And one of them it  
12                  will be your normal entrance and the other one  
13                  would be the emergency exit.

14                  MEMBER ALBERTI:  Okay.  So off to  
15                  the left of that I see entrances and exits,  
16                  stairwells, is that all associated with DC  
17                  Eagle?

18                  MR. PASCAL:  That's correct.

19                  MEMBER ALBERTI:  All right.  Now,  
20                  is that a wall there, or is that a doorway?

21                  MR. PASCAL:  It's all a wall.

22                  MEMBER ALBERTI:  It's all a wall.

1     Okay, so those black squares are just what,  
2     pillars?

3                 MR. CLEMMONS:   Yes.

4                 (Off the record comments)

5                 MEMBER ALBERTI:   And DC Eagle  
6     would not share that loading dock at all?

7                 MR. CLEMMONS:   No.

8                 MR. PASCAL:   That's correct.

9                 MEMBER ALBERTI:   So how do I get  
10    into Terminal Bar?

11                MR. CLEMMONS:   There will be a set  
12    of steps going up to the loading dock and  
13    going through the roll down door on the left  
14    side.

15                MEMBER ALBERTI:   Okay.   So  
16    somewhere in the front here, is that what, I  
17    see loading dock?

18                MR. CLEMMONS:   It would be right  
19    over in --

20                MEMBER ALBERTI:   No, but it's --

21                MR. CLEMMONS:   The steps would  
22    come up here.

1                   MEMBER ALBERTI: The steps would  
2 be where?

3                   MR. CLEMMONS: Down over here.

4                   MEMBER ALBERTI: Okay.

5                   MR. CLEMMONS: And you go in here.

6                   MEMBER ALBERTI: Okay.

7                   MR. CLEMMONS: Okay.

8                   MEMBER ALBERTI: I think I get the  
9 picture. Thank you.

10                  MR. PASCAL: Obviously the license  
11 won't be issued until the C of O is issued.  
12 And, obviously, there'll be a final  
13 inspection.

14                  MEMBER ALBERTI: Right.

15                  MR. PASCAL: So if for some  
16 reason, your investigator saw a door --

17                  MEMBER ALBERTI: Right.

18                  MR. PASCAL: -- between the two  
19 you know, there's an issue with the license.

20                  MEMBER ALBERTI: We just wanted to  
21 --

22                  MR. PASCAL: Yes.

1                   MEMBER ALBERTI:  -- be comfortable  
2     with --

3                   CHAIRPERSON MILLER:  Okay.

4                   MR. PASCAL:  I want you to be  
5     comfortable.

6                   MEMBER ALBERTI:  Since we're  
7     unfamiliar with the building and it's not, the  
8     drawings are sometimes not clear, so we just  
9     wanted to be certain that we understood what  
10    the layout was.

11                  MR. PASCAL:  Perfectly acceptable,  
12    yes.

13                  MEMBER ALBERTI:  Do you have any  
14    association with DC Eagle, in terms of the  
15    operations?

16                  MR. CLEMMONS:  Yes.  I'm co-owner  
17    of both of them.  We have -- I'm co-owner of  
18    both of them.

19                  MEMBER ALBERTI:  Okay, so what's  
20    the idea of having two places, just curiosity?

21                  MR. CLEMMONS:  The cigar bar, some  
22    of my patrons from the DC Eagle do not like

1 going outside all the time in the middle of  
2 winter to smoke. So always trying to wall off  
3 part of the building and make a separate  
4 entity for them to feel at home and have their  
5 own place, where they would not always have to  
6 go outside to smoke during the winter and  
7 inclement weather.

8 MR. PASCAL: The Board has already  
9 issued several CT licenses to cigar bars, one  
10 that comes to my mind is Civil.

11 MEMBER ALBERTI: Okay.

12 MR. PASCAL: As a matter of fact,  
13 you go up the same set of steps where Civil  
14 and Range is and you turn left to go to Civil  
15 and then you go straight ahead to go to the  
16 Range Restaurant, and they're totally  
17 separate. So similar concept here.

18 MEMBER ALBERTI: But how big is DC  
19 Eagle going to be? I'm just, curiosity. And  
20 this is something new for \*\*\*11:49:04.

21 MR. CLEMMONS: It will be --

22 MEMBER ALBERTI: Which you fear



1 I'll ask.

2 MR. CLEMMONS: -- about 12,000  
3 square feet all together.

4 MEMBER ALBERTI: Okay.

5 MR. CLEMMONS: For the public,  
6 there'll be some storage area and common area.

7 MEMBER ALBERTI: And what's the  
8 concept for \*\*\*11:49:19 first floor to the --

9 MR. CLEMMONS: The third floor  
10 would be a dance bar, the second floor's a  
11 sports bar, and the first floor is the  
12 restaurant.

13 MEMBER ALBERTI: Okay.

14 MR. PASCAL: We have already met  
15 with Council Member Alexander and we've  
16 already met with the ANC and we have the  
17 support of everybody that we've met with.

18 MEMBER ALBERTI: Okay. I said I  
19 was just curious \*\*\*11:49:39 that. Thank you.

20 CHAIRPERSON MILLER: Yes, Mr.  
21 Short.

22 MEMBER SHORT: Thank you, and good

1 morning to both of you.

2 MR. PASCAL: Good morning, sir.

3 MEMBER SHORT: And I'm quite sure  
4 you want to have a very wonderful business,  
5 where ever it is, and it's going to be at Ward  
6 7 at this time. What is going to be the total  
7 occupancy of both businesses in that building,  
8 the total occupancy?

9 MR. CLEMMONS: The application --

10 MR. PASCAL: The occupancy for  
11 Terminal Alley will be 50. And for DC Eagle  
12 will be about --

13 MR. CLEMMONS: Eight hundred.

14 MR. PASCAL: Yes.

15 MR. CLEMMONS: Three hundred  
16 seats, total occupancy 800.

17 MEMBER SHORT: You say it's going  
18 to be using the third floor, correct?

19 MR. CLEMMONS: Yes.

20 MEMBER SHORT: How many exits do  
21 you have from the third floor to get out of  
22 the building?

1 MR. CLEMMONS: Four.

2 MEMBER SHORT: Four exits and them  
3 lead directly to the outside?

4 MR. CLEMMONS: Pardon me?

5 MEMBER SHORT: Do any of them lead  
6 directly to the outside?

7 MR. CLEMMONS: Yes. Yes.

8 MEMBER SHORT: From the third  
9 floor?

10 MR. CLEMMONS: Yes, two.

11 MEMBER SHORT: So you have, exit  
12 to consider the exit stairway directly out of  
13 the building?

14 MR. CLEMMONS: Correct.

15 MEMBER SHORT: And the rear of the  
16 building backs up to the railroad tracks,  
17 correct?

18 MR. CLEMMONS: Correct.

19 MEMBER SHORT: Is there a fence or  
20 anything between the railroad tracks and the  
21 back of the building?

22 MR. CLEMMONS: Yes.

1                   MEMBER SHORT:   There is?

2                   MR. CLEMMONS:   Yes.

3                   MEMBER SHORT:   Okay.   And you say,  
4                   somewhere in the neighborhood of 800 people  
5                   will be in the building.   And if you had to  
6                   roll down doors, let's say that there's  
7                   weather like this, you won't have the doors  
8                   up, of course, so you won't be able to use  
9                   that as an exit, will you?

10                  MR. CLEMMONS:   There will be a  
11                  door inside, well, there will be a door there  
12                  where you could roll it up, or while it's down  
13                  you can still go through it.

14                  MEMBER SHORT:   Okay.   Well, the  
15                  only thing I would be interested in, I live in  
16                  Ward 7, myself, and I actually have to come  
17                  into the restaurant, I wanted to make sure  
18                  that not only could I get out safely, but all  
19                  the patrons could out safely.

20                  MR. CLEMMONS:   Yes.

21                  MEMBER SHORT:   And I understand  
22                  probably the fire department's going to be

1 giving you a total inspection before you get  
2 this certificate of occupancy.

3 MR. CLEMMONS: Yes.

4 MEMBER SHORT: And I see on your  
5 plan here, you only show one floor.

6 MR. PASCAL: That was for purposes  
7 of today, because the cigar bar, the issue is  
8 Terminal, which is the cigar bar, so we only  
9 had to deal with that floor to show you that  
10 it was totally separated from the rest of the  
11 facility.

12 MEMBER SHORT: Okay. I was just  
13 interested to see all of the exits, especially  
14 the interior ones and exteriors from the  
15 second and third floor.

16 I know the code has changed along  
17 the years, recent years, but I would just  
18 think you would want to be able to get  
19 everybody out.

20 We've had some incidents in this  
21 city where we had some troubled fire deaths  
22 because people weren't able to get out because

1       somebody locked the first floor up and then  
2       the people on the second and third floor were  
3       -- that's the reason I'm going down this.

4               And I understand that when people  
5       are drinking and you're going to have ABC,  
6       whiskey there, that people become a little  
7       impaired.

8               So they need as much help from the  
9       Government and from the business  
10      establishments, as possible, so they can get  
11      out safely, should something happen, God  
12      forbid, we don't want anything to happen to  
13      anybody's business. Thank you very much.

14              MR. PASCAL: Well, we appreciate  
15      your past experience in that area.

16              MEMBER SHORT: Thank you.

17              CHAIRPERSON MILLER: Okay, are  
18      there any other questions involving this  
19      issue? No. Okay, thank you very much for  
20      addressing our questions.

21              MR. PASCAL: Okay, we would  
22      request that you send it back to licensing so

1 we can get the placard. We want to get the  
2 ABC things out of the way while --

3 CHAIRPERSON MILLER: Right.

4 MR. PASCAL: -- we're dealing with  
5 the multiple venues.

6 CHAIRPERSON MILLER: Okay, well  
7 thank you.

8 MEMBER SILVERSTEIN: Yes.

9 CHAIRPERSON MILLER: This resolves  
10 our questions.

11 MR. PASCAL: Thank you.

12 MR. CLEMMONS: Thank you.

13 CHAIRPERSON MILLER: Do you have a  
14 question?

15 MEMBER SILVERSTEIN: Yes, for the  
16 purpose of our two new members, Mr.

17 \*\*\*11:53:9, how long have you been in business  
18 and any previous iterations?

19 MR. CLEMMONS: Eagle in Exile has  
20 been in business for three years. I've worked  
21 there for 22 years and it's a 42-year-old  
22 business.

1 CHAIRPERSON MILLER: Wow.

2 MR. CLEMMONS: It's DC Eagle.  
3 Terminal Alley is a new startup business.

4 MEMBER SILVERSTEIN: Well you've  
5 got a pretty lengthy track record.

6 MR. CLEMMONS: Yes, sir.

7 MEMBER SILVERSTEIN: Thank you,  
8 sir.

9 CHAIRPERSON MILLER: Thank you.  
10 Best of luck.

11 MR. PASCAL: Also, I think it's  
12 about to be accomplished since it's a long-  
13 term employee that ended up taking over the  
14 business, so it's a good success story.

15 CHAIRPERSON MILLER: That's great.

16 MR. PASCAL: Thank you very much.

17 CHAIRPERSON MILLER: Thank you.

18 MEMBER SILVERSTEIN: Thank you.

19 CHAIRPERSON MILLER: Thanks for  
20 coming down.

21 (Whereupon, at 11:53 a.m., the  
22 fact finding hearing was adjourned.)



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